

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19506 of 2020

Sarasu @ Saraswathi

... Petitioner

Vs.

State rep. by

The Inspector of Police

PEW Maduranthakam Police Station

Chengalpattu District.

(Crime No.80 of 2019)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of her arrest in Crime No.80 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa), 4(1-A) of TNP Act and Sections 7 and 11 of R.S.Rules 2000 in Crime No.80 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 2256 bottles (each bottle containing 180 ml) of ID Arrack with fake stickers. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and earlier, this Court had granted anticipatory bail to the petitioner in Crl.O.P No.9822 of 2020 on 01.07.2020 with a direction to surrender within 15 days, due to Covid Pandemic, the petitioner was unable to mobilize the fund and thereby, the order was lapsed. Hence, the petitioner has come forward with the present petition seeking for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that this is the second application for anticipatory bail and earlier, this Court had granted anticipatory bail to the petitioner and due to non-execution of sureties, time got lapsed.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, within a period of fifteen days from the date on which the order copy made ready and to pay a sum of **Rs.3,000/- (Rupees Three thousand only)** to the **District Legal Aid Services Authority, Kancheepuram**, and on such deposit and payment, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Maduranthakam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, MADURANTHAKAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PEW MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT LEGAL AID SERVICES AUTHORITY,
KANCHEEPURAM

6 THE SECRETARY,
TAMIL NADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

7 THE OFFICER INCHARGE
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL &
RESEARCH INSTITUTE, KANCHEEPURAM

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.8676

CRL OP.19506/2020

Date :23/12/2020

GKS:04/01/2021